



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/961,084	10/30/97	KRONGAUZ	V 240606

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IM22/1020

EXAMINER

BERMAN, S

ART UNIT

PAPER NUMBER

1711

18

DATE MAILED:

10/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.
08/961,084

Applicant(s)
Krongauz et al.

Examiner
Susan Berman

Group Art Unit
1711



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 4 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Oct 10, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☒ will not be entered because:

- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: the new issues are: both a polyfunctional and a monofunctional reactive diluent: in claim 49, an acrylate ester of phosphoric acid: deletion of the phrase "for coating a metal substrate" or a conductor.

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see the attached page.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.


- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 19 and 27-50

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other


SUSAN BERMAN
PRIMARY EXAMINER
ART UNIT 1711

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Advisory Action

Applicant argues that Szum does not teach compositions comprising both a monofunctional and a polyfunctional reactive diluent. This argument is not persuasive. EP '041 clearly discloses compositions comprising a combination of polyfunctional acrylate and monofunctional acrylates. See page 7, lines 22-50, and the Examples.

Applicant argues that EP '041 and Shustack et al are not analogous art because EP '041 teaches adding the disclosed adhesion promoter to outer primary coating compositions while Shustack et al teach inner primary coating compositions. EP 0 801 041 discloses inner primary coating compositions and outer primary coating compositions. EP '041 teaches that the disclosed strong acid functional ethylenically unsaturated monomer may be found in any coating other than the inner primary coating (paragraph bridging pages 4-5). Shustack also discloses compositions for primary and secondary coatings on optical fibers. Shustack teaches using urethane oligomers having a hydrocarbon backbone in the inner primary coating compositions and urethane oligomers having a polyester/polyether backbone in the outer primary coating compositions. However, applicant's argument is not persuasive. The teachings of the references are considered to be analogous art because each reference teaches inner primary and outer primary coating compositions for optical fibers. The teachings of the references taken in combination suggest compositions comprising an acrylated urethane oligomer having a hydrocarbon backbone for coating compositions. EP '041 teaches that conventional coating compositions comprising oligomers based on saturated or unsaturated polybutadienes instead of polyethers can be modified

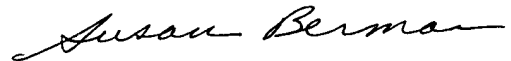
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as taught (page 6, lines 36-41). Shustack teaches several advantages to employing urethanes based on hydrogenated polybutadienes in a coating composition in column 9, lines 1-22.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Berman whose telephone number is (703) 308-0040.

The fax number for this group is (703) 305-5408 or, for submissions after Final Rejection, (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



Susan Berman
Primary Examiner
Art Unit 1711

S B
October 20, 2000